

DECLARATION OF JAMES P. VIKEN
10/026,137

#18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	VIKEN, James P.)	Attorney Docket:	23,318-40
Serial No.:	10/026,137)	Art Group Unit:	3745
Filing Date:	December 18, 2001)	Examiner:	Verdier, C. M.
Title:	Complete Fluid Exchange System For Automatic Transmissions)		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JAMES P. VIKEN UNDER 37 C.F.R. § 1.131

I, James P. Viken, hereby declare as follows:

1. I am the inventor of the subject matter of claims pending in the above-referenced patent application.
2. I understand that the Patent and Trademark Examiner has found claims 3-5 of the referenced application to be anticipated by Chen 5,337,708.
3. I understand that the Patent and Trademark Examiner has found claims 2, 24, 26 and 31-32 to be unpatentable over Chen '708 in view of Becnel 2,513,941.
4. I understand that the Patent and Trademark Examiner has found claims 26 and 31-32 to be unpatentable over Japanese Patent 2-72,299 and Becnel '941 and Parker 5,370,160.
5. I understand that the Patent and Trademark Examiner has found claim 33 to be unpatentable over Japanese Patent 2-72,299 and Becnel '941 and Parker 5,370,160.

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6. While I disagree with these assertions by the examiner, I am submitting this declaration to set forth evidence that I invented the subject matter of the claimed invention prior to the application date of Chen '708 (June 15, 1993) and Parker '160 (February 1, 1993).
7. Exhibit 1 is a photocopy of an original date stamped photograph of a fluid exchange machine having a selective bypass component. The photograph was taken prior to February 1, 1993.
8. Exhibit 2 is another photocopy of an original date stamped photograph of the fluid exchange machine having a selective bypass component. The photograph was taken prior to February 1, 1993. The reference numerals correspond to the detailed description of Exhibit 3.
9. Exhibit 3 is a detailed description of the various elements and methods of use of the fluid exchange machine of Exhibits 1 and 2.
10. The fluid exchange machine of Exhibits 1 and 2 having a selective bypass component was built and tested prior to February 1, 1993.
11. Exhibit 4 provides copies of various store receipts for parts and components of the fluid exchange machine of Exhibits 1 and 2, each receipt being dated prior to February 1, 1993.
12. In view of the above, Exhibits 1-4 provide evidence that I invented the selective bypass aspect of the claimed invention at least as early as February 1, 1993.

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James P Viken

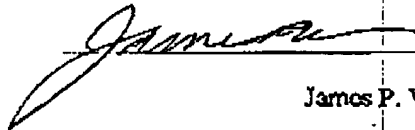
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13. I hereby declare that all statements made of our own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: 9-23-03


James P. Viken

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